

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MANUEL RUELAS, #1233530,

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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Civil Action No. **3:09-CV-2460-L**

ORDER


Before the court is Petitioner Manuel Ruelas's Petition for Writ of Habeas Corpus, filed December 28, 2009. The petition was referred to United States Magistrate Judge Wm. F. Sanderson, Jr., who filed Findings, Conclusions and Recommendation of the United States Magistrate Judge (the "Report") on February 19, 2010. Petitioner has filed no objections to the Report.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. On January 4, 2010, the magistrate judge issued a Notice of Deficiency and Order, directing Petitioner to pay a \$5.00 filing fee or submit a motion to proceed *in forma pauperis*. The order allowed Petitioner 30 days to comply, and further cautioned that failure to comply with the order would result in a recommendation that the petition be dismissed for failure to prosecute. To date, Petitioner has not complied with the court order, and the deficiency remains uncured.

In light of the ample opportunity that Petitioner has been afforded to comply with the order and his failure to do so, the magistrate judge recommends that this action be dismissed for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. After conducting its own review of the petition, filings, Report, and record, the court agrees with the magistrate judge.

Accordingly, the court determines that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. The court **dismisses without prejudice** the Petition for Writ of Habeas Corpus for failure to prosecute.

It is so ordered this 8th day of March, 2010.


Sam A. Lindsay
United States District Judge